

REMARKS

The outstanding final Office Action mailed June 21, 2005 (Part of Paper No. 20050615) has been carefully considered. In response thereto, please enter the following amendments in which claims 1, 7, 22, 33 and 45 are amended, new claims 46-53 are added, and claims 16-21 and 36-44 are canceled without prejudice, waiver, or disclaimer. Claims 1-15, 22-35, and 45-53 are now pending in the present application. Reconsideration and allowance of the application and presently pending claims, as amended, are respectfully requested.

Examiner Interview

Applicant wishes to express his sincere appreciation for the time that Examiner David J. Parsley spent with Applicant's representative during a telephone conversation on July 19, 2005 regarding the outstanding Office Action. The Examiner agreed with Applicant regarding certain distinctions between Applicant's invention and the cited references. The Examiner was helpful in reaching mutually agreeable claim amendments to more closely recite identified distinctions. During the conversation, the Examiner indicated that it would be beneficial for Applicant to make certain amendments to better place this application in condition for allowance. Thus, Applicant respectfully requests that Examiner carefully consider this response and amendment.

Indication of Allowable Subject Matter

Applicant also wishes to express his sincere appreciation for the Examiner's indication of allowable subject matter in which claim 28 would be allowable if re-written or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office Action.

Drawings

The Office Action objects to the color drawings. Applicant respectfully submits that a petition under 37 C.F.R. 1.84(a) was filed with the application. The petition included authorization to charge any additional fees. A copy of the previously filed

petition is included herewith (Attachment "A"). Additionally, in accordance with the petition requirements, three sets of color drawings are included. Additionally, the specification is amended to contain the requisite language for color drawings.

Claim Rejections 35 U.S.C. §112 - Second Paragraph

Claims 1-15, 22-27, 29-32 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. These claims include limitations regarding x-translational direction and x-translational speed but it is unclear to exactly where the x-direction is in relation to the claimed device.

Applicant respectfully submits that the x direction as related to the claimed device is specifically illustrated in FIGs. 11 and 12, and generally illustrated in FIG. 13A through the arrow depicting the x-translational guide.

Claim 45 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. These claims include limitations regarding x, y and z-axes but it is unclear to exactly where these axes are in relation to the claimed device.

Applicant respectfully submits that the x, y, and z axes as related to the claimed device are specifically illustrated in FIG.12. Additionally, a three-axis illustration having the x and z axes labeled is included in FIG. 11. Further, directional arrows corresponding to the x-translational guide and the z-translational guide are included in FIG. 13A.

Applicant respectfully submits that the x, y, and z directions are clearly disclosed in the above referenced figures and that for at least this reason the rejections under 35 U.S.C. 112, second paragraph are improper and should be withdrawn.

Claim Rejections 35 U.S.C. §102(b) – U.S. Patent No. 5,259,811

Claims 1, 3-10 and 15 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Berry (U.S. Patent No. 5,259,811). Applicant respectfully traverses this rejection on the grounds the '811 reference does not disclose, teach, or suggest all of the claimed elements.

Claim 1

In rejecting claim 1, the Office Action states:

“Referring to claim 1, Berry discloses a device for grasping and supporting a live object, the device comprising, a pair of counter rotating supporting structures – at 12-14, each supporting structure including an upper portion and a lower portion – see for example figures 2-4, and wherein the upper portion and the lower portion each include a plurality of apertures disposed therein – see in item 27 in figures 3-4, a compliant finger – at 28, disposed within each of the plurality of apertures – see for example figures 2-4, the pair of counter rotating supporting structures are further configured to provide an opening for receiving the live object and wherein the compliant fingers are further configured to support and constrain a body of the live object – see for example figures 5a-5d, and a speed control module for controlling the speed and timing of the rotation of the supporting structures – see for example column 3 lines 29-68, column 4 lines 1-40 and lines 58-68, column 5 lines 1-68 and column 6 lines 1-21.” (Office Action, pg. 4.)

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ 2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ 2d 1655 (Fed. Cir. 1990). Applicant respectfully submits that claim 1, as amended, is allowable over '811 for at least the reason that the '811 reference fails to disclose, teach, or suggest all of the recited claim elements. Claim 1, as amended, recites:

1. A device for grasping and supporting a live object, the device comprising:
a pair of counter rotating supporting structures, configured to compel the live object in an x-translational direction at an x-translational speed, each supporting structure including an upper portion

and a lower portion, and wherein the upper portion includes a plurality of apertures having a first configuration and the lower portion includes a plurality of apertures having a second configuration;

a compliant finger disposed within each of the plurality of apertures, the pair of counter rotating supporting structures are further configured to provide an opening for receiving the live object and wherein the ***compliant fingers are further configured to grasp and hold a body of the live object***; and

a speed control module for controlling the speed and timing of the rotation of the supporting structures.

(Emphasis added.)

Applicant respectfully submits that the amendment to claim 1 includes language discussed in the Examiner interview that distinguishes over the cited reference. The ‘811 reference fails to disclose, teach, or suggest the language that is highlighted above in claim 1, i.e., “compliant fingers are configured to grasp and hold a body of a live object” as recited in Applicant’s claim 1, as amended.

For at least the above reason, Applicant respectfully submits that the rejection of claim 1, as amended, under 35 U.S.C. §102(b) in view of the ‘811 reference is improper and should be withdrawn. Accordingly, Applicant respectfully submits that claim 1, as amended, is allowable over the ‘811 reference.

Claims 3-10 and 15

Dependent claims 3-10 and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by the ‘811 reference. Dependent claims 3-10 and 15 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1, as amended. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim Rejections 35 U.S.C. §102(b) – U.S. Patent No. 5,514,033

Claims 1, 10-11 and 13-14 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Berry (U.S. Patent No. 5,514,033). Applicant respectfully traverses this rejection on the grounds the ‘033 reference does not disclose, teach, or suggest all of the claimed elements.

Claim 1

The Office Action states that the '033 reference discloses "supporting structures – at 306, 307, each supporting structure including an upper portion and a lower portion – see for example 13 of Berry '811 incorporated by reference". The Office Action relies on the '811 reference incorporated by reference as disclosing this limitation therefore the foregoing discussion regarding this limitation related to the '811 reference applies to this rejection.

Applicant respectfully submits that the amendment to claim 1 includes language discussed in the Examiner interview that distinguishes over the cited reference. The '811 reference fails to disclose, teach, or suggest "compliant fingers are configured to grasp and hold a body of a live object" as recited in Applicant's claim 1, as amended.

For at least the above reason, Applicant respectfully asserts that the rejection of claim 1, as amended, under 35 U.S.C. §102(b) in view of the '033 reference is improper and should be withdrawn. Accordingly, Applicant respectfully submits that claim 1, as amended, is allowable over the '033 reference.

Claims 10-11 and 13-14

Dependent claims 10-11 and 13-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by the '033 reference. Dependent claims 10-11 and 13-14 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1, as amended. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim Rejections 35 U.S.C. §102(b) – U.S. Patent No. 4,658,476

Claims 19-20, 22-27, 29, 33-35 and 45 are rejected under 35 U.S.C. §102(b) as being anticipated by van den Brink (U.S. Patent No. 4,658,476). Applicant respectfully traverses this rejection on the grounds the '476 reference does not disclose, teach, or suggest all of the claimed elements.

Claims 19 and 20

Claims 19 and 20 are canceled and therefore the rejection of these claims is moot. Applicant reserves the right to enter claims having the same subject matter as these claims in this or any related continuing applications future.

Claim 22

In rejecting claim 22, the Office Action states:

“Referring to claims 22 and 33, van den Brink discloses a system comprising, a pallet assembly – at 30-48, having a perch bar supporting structure – at 38, the perch bar supporting structure including perch bars – at 44,45, a shackle assembly – at 59, movably affixed to the pallet assembly – see for example figure 11, the shackle assembly comprising a pair of compliant grippers – at 62,63, a trap bar assembly – at 47,48, the trap bar assembly affixed to the pallet assembly – see for example figures 4-5, a shackle control mechanism – at 3-5, 52-57 and 61, affixed to the shackle assembly, the shackle control mechanism configured to lock and release the shackle assembly from the pallet assembly – see for example figures 10-11, and a trolley affixed to the pallet assembly – see for example at the upper end of 54 in figures 10-11.” (Office Action, pg. 8.)

Applicant respectfully submits that claim 22, as amended, is allowable over the ‘476 reference for at least the reason that the ‘476 reference fails to disclose, teach, or suggest all of the recited claim elements. Claim 22, as amended, recites:

22. A system comprising:
a pallet assembly having a perch bar supporting structure, the perch bar supporting structure including perch bars;
a shackle assembly movably affixed to the pallet assembly, the ***shackle assembly comprising a pair of non-rigid grippers***;
a trap bar assembly, the trap bar assembly rotatably affixed to the pallet assembly;
a shackle control mechanism affixed to the shackle assembly, the shackle control mechanism configured to lock and release the shackle assembly from the pallet assembly; and
a trolley, configured to move in an x-translational direction, affixed to the pallet assembly.

(*Emphasis added.*)

Applicant respectfully submits that the amendment to claim 22 includes language discussed in the Examiner interview that distinguishes over the cited reference. The ‘476 reference fails to disclose, teach, or suggest the language that is highlight above in claim 22, i.e., “shackle assembly comprising a pair of non-rigid grippers” as recited in Applicant’s claim 22, as amended.

For at least the above reasons, Applicant respectfully asserts that the rejection of claim 22 under 35 U.S.C. §102(b) in view of the ‘476 reference is improper and should be withdrawn. Further, for at least this reason, Applicant respectfully submits that claim 22 is allowable.

Claims 21-27 and 29

Dependent claims 21-27 and 29 stand rejected under 35 U.S.C. §102(b) as being anticipated by the ‘476 reference. Dependent claims 21-27 and 29 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 22. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 33

In rejecting claim 33, the Office Action relies on the same arguments and references as applied to claim 22. For this reason, Applicant respectfully submits that the foregoing comments and amendments made relative to claim 22 are also applicable to claim 33.

Applicant respectfully submits that the amendment to claim 33 includes language discussed in the Examiner interview that distinguishes over the cited reference. The ‘476 reference fails to disclose, teach, or suggest “fingers for fully supporting the isolated live object” as recited in Applicant’s claim 33, as amended.

For at least these reasons, Applicant respectfully asserts that the rejection of claim 33 under 35 U.S.C. §102(b) in view of the ‘476 reference is improper and should be withdrawn. Further, for at least this reason, Applicant respectfully submits that claim 33 is allowable.

Claims 34 and 35

Dependent claims 34 and 35 stand rejected under 35 U.S.C. §102(b) as being anticipated by the '476 reference. Dependent claims 34 and 35 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 33. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 45

In rejecting claim 45, the Office Action states:

“Referring to claim 45, van den Brink discloses a feet gripping system comprising, a perch bar – at 44,45, having a z-direction compliance, the z-direction being a direction along a superior-inferior axis of a live object – see for example figures 4-5, the perch bar being configured to support a live object – see for example figures 4-5, grippers – at 47,48, having a y-direction compliance, the y-direction being a direction along a lateral axis of the live object, the grippers being configured to support the live object – see for example figures 4-5, and a first assembly comprising a spring – see column 4 lines 50-67, the first assembly having an x-direction compliance, the x-direction being a direction along an anterior-posterior axis of the live object – see for example figures 1-11.” (Office Action, pg. 10.)

Applicant respectfully submits that claim 45 is allowable over the '476 reference for at least the reason that the '476 reference fails to disclose, teach, or suggest all of the recited claim elements. Claim 45 recites:

45. A feet-gripping system comprising:
a perch bar having a z-direction compliance, the z-direction being a direction along a superior-inferior axis of a live object, the perch bar being ***configured to grasp and fully support a live object***;
grippers having a y-direction compliance, the y-direction being a direction along a lateral axis of the live object, the grippers being configured to support a live object; and
first assembly comprising a spring, the first assembly having an x-direction compliance, the x-direction being a direction along an anterior-posterior axis of the live object.

(*Emphasis added.*)

Applicant respectfully submits that the amendment to claim 45 includes language discussed in the Examiner interview that distinguishes over the cited reference. The '476 reference fails to disclose, teach, or suggest the language that is highlight above in claim 45, i.e., “configured to grasp and fully support a live object” as recited in Applicant’s claim 45, as amended.

For at least the above reasons, Applicant respectfully asserts that the rejection of claim 45 under 35 U.S.C. §102(b) in view of the '476 reference is improper and should be withdrawn. Further, for at least this reason, Applicant respectfully submits that claim 45 is allowable.

Claim Rejections 35 U.S.C. §103(a)

In order to make a proper *prima facie* case of obviousness; three basic criteria must be met, as set forth in MPEP 706.02(j). First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine referenced teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicant’s disclosure.

Claim 2

Claim 2 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Berry (U.S. Patent No. 5,259,811). Applicant respectfully traverses this rejection on the grounds the '811 reference does not disclose, teach, or suggest all of the claimed elements.

The Office Action states that claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berry as applied to claim 1 above. As discussed above, Applicant submits that claim 1, as amended, is allowable and therefore dependent claim 2 is believed to be allowable for at least the reason that claim 2 depends from allowable

independent claim 1, as amended. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 12

Claim 12 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Berry (U.S. Patent No. 5,514,033) in view of van den Brink (U.S. Patent No. 4,658,476). Applicant respectfully traverses this rejection on the grounds that the combination of the '033 reference and the '476 reference fails to disclose, teach, or suggest all of the claimed elements.

As discussed above, Applicant submits that claim 1, as amended, is allowable and therefore dependent claim 12 is believed to be allowable for at least the reason that claim 12 depends from allowable independent claim 1, as amended. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 21

Claim 21 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over van den Brink (U.S. Patent No. 4,658,476) as applied to claim 19 above. Applicant respectfully traverses this rejection on the grounds that the combination of the '476 reference and the '033 reference fails to disclose, teach, or suggest all of the claimed elements.

As discussed above, Applicant submits that claim 19 is allowable and therefore dependent claim 21 is believed to be allowable for at least the reason that claim 21 depends from allowable independent claim 19. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 30

Claim 30 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over van den Brink (U.S. Patent No. 4,658,476) as applied to claim 22 above, and in view of Millard (U.S. Patent No. 6,561,555). Applicant respectfully traverses this rejection on

the grounds that the combination of the '476 reference and the '555 reference fails to disclose, teach, or suggest all of the claimed elements.

As discussed above, Applicant submits that claim 22 is allowable and therefore dependent claim 30 is believed to be allowable for at least the reason that claim 30 depends from allowable independent claim 22. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claims 31 and 32

Claim 31 and 32 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over van den Brink (U.S. Patent No. 4,658,476) as applied to claim 22 above, and in view of Berry (U.S. Patent No. 5,259,811). Applicant respectfully traverses this rejection on the grounds that the combination of the '476 reference and the '811 reference fails to disclose, teach, or suggest all of the claimed elements.

As discussed above, Applicant submits that claim 22 is allowable and therefore dependent claims 31 and 32 are believed to be allowable for at least the reason that claims 31 and 32 depend from allowable independent claim 22. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Amended Claim 7

Applicant has amended claim 7 to correct a transcription error. The amendment to claim 7 was not made for reasons related to patentability and is merely clerical in nature.

New Claims 46-53

Applicant respectfully submits that claim 1 is allowable and therefore dependent claims 52 and 53 are believed to be allowable for at least the reason that claims 52 and 53 depend from allowable independent claim 22. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Applicant respectfully submits that claim 22 is allowable and therefore dependent claims 46-51 are believed to be allowable for at least the reason that claims 46-51 depend

from allowable independent claim 22. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-15, 19-35 and 45 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

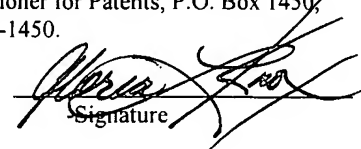
Respectfully submitted,


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ATTACHMENT "A"

Filed/Date Mailed: July 11, 2003 EM#: EV269254597US
Applicant: Lee
Docket # 62004-1621 Parent Applic.: _____
Title: Automated Feet-Gripping System

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Person Mailing: HLB

Responsible Atty: SAH/SSA

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of:)	
K. M. Lee)	
Serial Number: To Be Assigned)	
Filed: December 9, 1999)	
Title: AUTOMATED FEET-GRIPPING)	Attorney Docket No.
SYSTEM)	TKHR 062004-1621
)	GT 2844

PETITION UNDER 37 C.F.R. § 1.84(a)
TO FILE APPLICATION WITH COLOR DRAWINGS

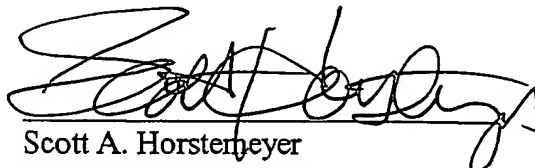
Assistant Commissioner of Patents
U.S. Patent & Trademark Office
Washington, D.C. 20231

Sir:

Applicant submits this petition under 37 C.F.R. § 1.84(a) to file the above-identified patent application with color drawings. Applicant respectfully submits that, due to the complexity of several drawings, a black-and-white line drawing will obscure the subject matter portrayed in the drawings. Hence, Applicant submits the color drawings as the only practical medium by which to disclose the subject matter sought to be patented in the utility application.

No additional fee is deemed to be payable in connection with this response. Should any additional fee be required, you are hereby authorized to charge any such additional fee to Deposit Account No. 20-0778.

Respectfully submitted,


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